

A. G. Contract No. KR912498TRD  
ECS File: JPA 91-123  
Project: N-900-521/H2842 01C  
Section: Lake Havasu State Park

INTERAGENCY AGREEMENT  
BETWEEN  
THE ARIZONA DEPARTMENT OF TRANSPORTATION  
AND  
THE ARIZONA STATE PARKS BOARD

THIS AGREEMENT is entered into 30 January, 1992, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "ADOT") and the ARIZONA STATE PARKS BOARD, acting by and through its Executive Director (the "Parks Board").

I. RECITALS

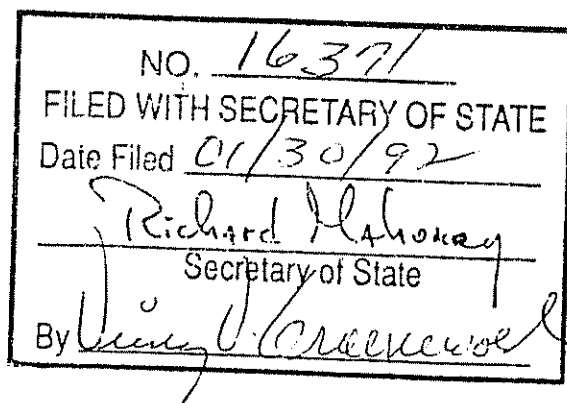
1. The ADOT is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the ADOT.

2. The Parks Board is empowered by Arizona Revised Statutes Section 41-511.05 to enter into this agreement and has by resolution No. 116, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Parks Board.

3. The ADOT and the Parks Board desire to construct improvements to Lake Havasu State Park, including the construction of new left and right turn lanes on State Route 95, and new park interior roads, at an estimated cost of \$815,000.00, all at ADOT expense, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

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## II. SCOPE OF WORK

1. According to ADOT standards and specifications, and at its own cost, ADOT shall design, call for bids and award one or more construction contracts for the Project, administer same and make all payments to the contractor. ADOT shall be responsible for any contractor claims for extra compensation.

a. The improvements include, but are not limited to, new left and right turn lanes on State Route 95, and new park interior roads.

b. The estimated cost of these improvements is \$815,000.00.

2. ADOT may acquire in the name of the Parks Board additional rights of way as may be required for the Project, and, the Parks Board hereby authorizes ADOT to condemn rights of way in the name of the Parks Board, as necessary to accomplish said acquisition(s). The Parks Board shall accept any right of way for the Project acquired by ADOT as part of the State Parks system.

3. The Parks Board shall provide information to support the development and construction of the Project and necessary permits allowing for the contemplated construction.

4. Upon completion and acceptance by ADOT, maintenance and operation of the interior park roads shall be the sole responsibility of the Parks Board. ADOT will provide maintenance to State Route 95 improvements.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518 (B) and (C).

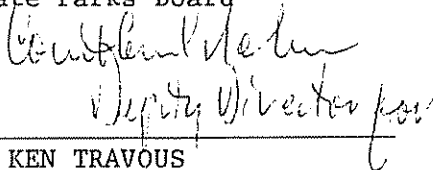
6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

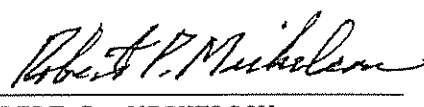
Arizona State Parks Board  
Capital Development Manager  
800 West Washington Street Suite 415  
Phoenix, AZ 85007

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

STATE OF ARIZONA  
State Parks Board

By   
KEN TRAVOUS  
Executive Director

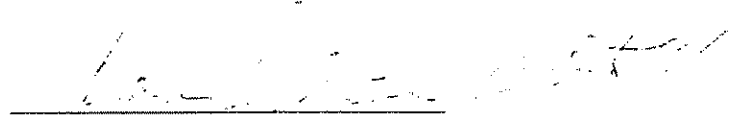
STATE OF ARIZONA  
Department of Transportation

By   
ROBERT P. MICKELSON  
Deputy State Engineer

RESOLUTION

BE IT RESOLVED on this October 8, 1991, that I, CHARLES E. COWAN, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the Arizona State Parks Board for the purpose of defining responsibilities for the design, construction and maintenance of improvements to Lake Havasu State Park.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.

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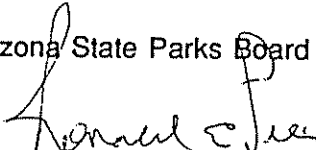
CHARLES E. COWAN  
Director

RESOLUTION NO. 116  
By the Arizona State Parks Board  
Authorizing the Execution of the Intergovernmental  
Agreement with the  
Department of Transportation

Under powers granted to the Arizona State Parks Board by ARS 41-511.05, BE IT RESOLVED on this 15th day of November, 1991, that **THE ARIZONA STATE PARKS BOARD** determines it is in the best interest of the State of Arizona to enter into an Interagency Agreement with the **ARIZONA DEPARTMENT OF TRANSPORTATION** wherein the **ARIZONA DEPARTMENT OF TRANSPORTATION** will improve various areas within Lake Havasu State Park including, but not limited to, drainage easements, construction easements, road rights-of-way, and the acquisition of such lands in the name of the Parks Board where necessary to accomplish such improvements. The Board designates as public highways the roads, spurs, and other traffic related appurtenances within Lake Havasu State Park for the purpose of constructing improvements under the Interagency Agreement, Project N-900-521 (TRACS H2842 01C).

**THEREFORE**, authorization is hereby given to The Arizona State Parks Board Executive Director, or his designee, to sign said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.


**PASSED, ADOPTED, AND APPROVED** by the Arizona State Parks Board this 15th day of November 1991.

  
\_\_\_\_\_  
Ronald Pies, Chair

Attest:

  
\_\_\_\_\_  
My Commission Expires Jan. 25, 1995  
Approved As To Form:

Reviewed by:

  
\_\_\_\_\_  
Elizabeth Tea, Secretary

STATE OF ARIZONA

I, the undersigned, Kenneth E. Travous, being the duly appointed and qualified Executive Director of Arizona State Parks Board, certify that the foregoing copy of Resolution No. 116, passed and adopted at a regular meeting of the Arizona State Parks Board, held on the 15th day of November 1991 at which a quorum was present and voted in favor of said Resolution.

Given under my hand and seal this 6th day of January 1992.

  
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Kenneth E. Travous  
Executive Director



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR98-1-2498-TRD, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 25<sup>th</sup> day of January, 1992.

GRANT WOODS  
Attorney General

Assistant Attorney General  
Transportation Section